

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 19-0103

Case Nos. 2016-LHC-00140, 2016-LHC-00141, 2016-LHC-00142
OWCP Nos. 13-301115, 15-054351, 15-052959

GEORGE KIYUNA)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
MATSON TERMINALS, INCORPORATED)	
)	DATE ISSUED: 08/28/2019
and)	
)	
SIGNAL MUTUAL INDEMNITY)	
ASSOCIATION, LIMITED)	
)	
Employer/Carrier-)	
Respondents)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

Claimant has notified the Board that he has filed an application for modification pursuant to 33 U.S.C. §922. Thus, claimant asks the Board to dismiss his appeal without prejudice and remand the case for modification proceedings. 20 C.F.R. §802.301(c).

We grant claimant's motion, dismiss his appeal without prejudice, and remand the case to the administrative law judge for modification proceedings. Claimant's appeal of the administrative law judge's initial decision will be reinstated provided he files a motion for reinstatement within 30 days of the date the decision on modification is filed by the district director. The request for reinstatement must be served on all parties and identified

by the Board's docket number assigned to this case, BRB No. 19-0103. 20 C.F.R. §802.301(c).

Any party adversely affected by the decision granting or denying modification may file a new appeal with the Board within 30 days of the date the decision on modification is filed. 33 U.S.C. §921(a); 20 C.F.R. §§802.205, 802.301(c). This appeal will be assigned a new docket number and will be consolidated with any reinstated appeal of the original decision.

Accordingly, claimant's appeal is dismissed without prejudice and the case is remanded to the administrative law judge for modification proceedings.

SO ORDERED.

JUDITH S. BOGGS, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge